

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:20-cv-00192

**Cathy Haynes,**  
*Plaintiff,*

v.

**Turner Bass & Associates, et al.,**  
*Defendants.*

**ORDER**

On September 10, 2020, United States Magistrate Judge K. Nicole Mitchell entered a report recommending that the court dismiss plaintiff's case for failure to prosecute. Doc. 12. On October 19, 2020, the court entered an order accepting this report and recommendation. Doc. 14. Final judgment dismissing plaintiff's case was entered soon thereafter. Docs. 14, 15.

On November 9, 2020, plaintiff filed a motion for relief from judgment. Doc. 17. Her motion stated that she was unable to prosecute her case due to effects of the COVID-19 pandemic, which limited plaintiff's access to her mail. *Id.* On, January 5, 2021, the magistrate judge issued a report recommending that the motion be denied. Doc. 19.

This report acknowledged plaintiff's difficulties in conducting her affairs during the pandemic. *Id.* at 3. It also noted, however, two facts weighing in favor of denying plaintiff's motion. First, plaintiff did not make any effort to contact the court for more than a year. *Id.* Second, the report emphasized that the dismissal was without prejudice, so plaintiff may re-file her case when she is better able to prosecute her claims. *Id.* Plaintiff received a copy of the report on January 12, 2021. Doc. 20. She did not file an objection to the report or recommendation.

When a party fails to object to a magistrate judge's report, the court reviews the record only for clear error. *See Douglass*

*v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court **accepts** its findings and recommendation. The motion for relief from judgment (Doc. 17) is **denied**.

*So ordered by the court on February 2, 2021.*

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER  
United States District Judge